

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

PENNINGTON SEED, INC.,	)	
	)	
Plaintiff,	)	
	)	Civil Action
v.	)	Case No. 1:09-cv-0903-BBM
	)	
THE SCOTTS COMPANY LLC and	)	
THE SCOTTS MIRACLE-GRO	)	
COMPANY,	)	
	)	
Defendants.	)	

**DEFENDANT THE SCOTTS COMPANY, LLC'S REQUEST FOR  
EVIDENTIARY HEARING, AND MEMORANDUM IN SUPPORT,  
ON ITS MOTION FOR PRELIMINARY INJUNCTION**

COMES NOW Defendant The Scotts Company, LLC, pursuant to L.R.  
7.1(E), and requests that the Court conduct an evidentiary hearing on its Motion for  
Preliminary Injunction, which motion was served on Plaintiff and filed with this  
Court on Monday, April 13, 2009.

Pursuant to L.R. 7.1(B) and L.R. 6.1(A), Plaintiff's response is due on  
Thursday, April 30, 2009.

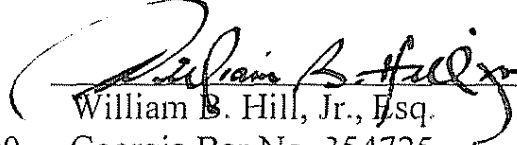
For the reasons advanced in its Brief in Support of its Motion for  
Preliminary Injunction, Movant is suffering and will continue to suffer irreparable  
harm. Movant therefore requests that the Court conduct its evidentiary hearing on  
The Scotts Company, LLC's Motion for Preliminary Injunction on a date

convenient to the Court as soon after April 30, 2009, as possible.

Respectfully submitted, this 17<sup>th</sup> day of April, 2009.

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Company*

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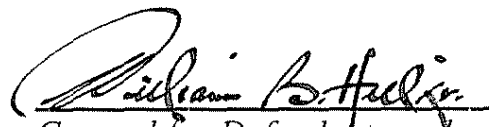
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Plaintiff,	)	
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v.	)	
	)	
THE SCOTTS COMPANY LLC and	)	
THE SCOTTS MIRACLE-GRO	)	
COMPANY,	)	
	)	
Defendants.	)	

**CERTIFICATE OF SERVICE**

I hereby certify that I have this 15th day of April, 2009 electronically filed this **DEFENDANT THE SCOTTS COMPANY, LLC'S REQUEST FOR EVIDENTIARY HEARING, AND MEMORANDUM IN SUPPORT, ON ITS MOTION FOR PRELIMINARY INJUNCTION** with the Clerk of Court using the CM/ECF system, which will send electronic notification to the following attorneys of record:

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